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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,106	08/21/2000	Mark O. Worthington	18950-30	7975

7590 11/29/2002

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EXAMINER

CHU, KIM KWOK

ART UNIT PAPER NUMBER

2653

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/643,106

Applicant(s)

WORTHINGTON ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____.

Claim Objections

1. Claim 2 is objected to because of the following informalities:

(a) in claim 2, line 1, the term "for us with" should be changed to --for use with--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

3. Claims 1-4 are rejected under 35 U.S.C. § 102(e) as being anticipated by Xavier et al. (U.S. Patent 6,190,748).

Xavier teaches a method for acquiring data from an optical disc having all the means and steps as recited in claims 1-4.

For example, Xavier teaches the following:

(a) as in claim 4, the optical disc in combination with a cover 24 having physical synchronization (servo) markers 12 (Fig. 3C; column 3, lines 53-58; pits 12 are markers containing synchronization information);

(b) as in claim 4, detecting at least one physical synchronization marker 12 on the cover 24 (Fig. 3c; column 4, lines 21-35; manufacturing the master disc includes a step of detecting the marker); and

(c) as in claim 4, reading data from the optical disc in response to detecting the at least one physical synchronization marker on the cover 21 (Fig. 3c; column 4, lines 21-35; manufacturing the master disc includes a step of reading the marker).

4. Claim 3 have limitations similar to those treated in the above rejection(s), and are met by the references as discussed above.

5. Apparatus claims 1 and 2 are drawn to the apparatus corresponding to the method of using same as claimed in claim 4. Therefore apparatus claims 1 and 2 are correspond to method claim 4, and are rejected for the same reasons of anticipation (obviousness) as used above.

6. Claims 5 and 6 rejected under 35 U.S.C. § 102(e) as being anticipated by Whitcher et al. (U.S. Patent 6,104,686).

Whitcher teaches an apparatus for acquiring data from an optical disc having all the elements and means as recited in claims 5 and 6. For example, Whitcher teaches the following:

(a) as in claim 5, data is acquired as physical synchronization (servo) markers 20 (Fig. 3; markers 20 contains synchronization data);

(b) as in claim 5, an optical disc drive capable of reading operational and non-operational structures from an optical disc assembly 10 (Fig. 6, operational structures are markers 20, non-operational structures are apertures 14 or indicating marks 20);

(c) as in claim 5, a photodetector 52 for detecting at least one physical synchronization marker 20 on the optical disc assembly 10 (Fig. 6); and

(d) as in claim 6, the optical disc assembly is selected from a group comprising an optical disc 10, a cover 22, and a combination (Fig. 4).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tompkin et al. (6,226,109) is pertinent because Tompkin teaches synchronization markers such as pits in an optical disc.

Nishizawa et al. (5,781,526) is pertinent because Nishizawa teaches synchronization markers such as pits in an optical disc.

Kondo (5,538,773) is pertinent because Kondo teaches synchronization markers such as bar-codes along the edge of an optical disc.

Van Rosmalen et al. (4,870,508) is pertinent because Van Rosmalen teaches synchronization markers such as servo tracks in an optical disc.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.
20231 Or faxed to:

(703) 872-9314 (for formal communications intended for
entry. Or:

(703) 746-6909, (for informal or draft communications,
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park
II, 2021 Crystal Drive, Arlington. VA., Sixth Floor
(Receptionist).

Any inquiry of a general nature or relating to the status
of this application should be directed to the Group
receptionist whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Kim CHU
whose telephone number is (703) 305-3032 between 9:30 am to
6:00 pm, Monday to Friday.

cc 11/25/02
Kim-Kwok CHU
Examiner AU2653
November 25, 2002

(703) 305-3032

William Korzuch
WILLIAM KORZUCH
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